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October 12, 2004

VIA FACSIMILE

(Total No. of Pages Transmitted: 5)

To: Primary Examiner Scott Rogers
Group Art Unit: 2626
U.S.P.T.O.

Facsimile No.: 703-872-9306

From: John J. Dresch, Esq.

Facsimile No.: 703-761-2375 or 76

Re: Enclosed Conditional Petition for Extension of Time and Notice of Appeal
U.S. Patent Application No.: 09/482,275
Attorney Docket No.: 4-154US-FF
Our Reference: USH.008


Dear Examiner Rogers:

Enclosed is a Conditional Petition for Extension of Time and Notice of Appeal, in the above application, which is being filed in the event that the Notice of Allowance in this application is not mailed October 12, 2004, thereby maintaining the pendency of the present application.

Authorization to charge the debit account for the Extension of Time Fee and Notice of Appeal Fee is given only in the event that the Notice of Allowance is not mailed.

Thank you in advance for your kind consideration on this case.

Very truly yours,


John J. Dresch, Esq.
Registration No. 46,672

JJD/SMM
Enclosure

Docket No. 4-154US-FF (USH.008)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Norihisa HANEDA, et al.

Serial No.: 09/482,275

Group Art Unit: 2626

Filed: January 13, 2000

Examiner: Rogers, Scott

For: IMAGE DATA COMMUNICATION SYSTEM, SERVER SYSTEM, METHOD OF
CONTROLLING OPERATION OF SAME, AND RECORDING MEDIUM STORING
PROGRAM FOR CONTROL OF SERVER SYSTEM

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

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OCT 12 2004

CONDITIONAL PETITION FOR EXTENSION OF TIME
AND NOTICE OF APPEAL

Sir:

In the event that a Notice of Allowance in the present application is not mailed by October 12, 2004, as Primary Examiner Scott Rogers said would be done, Applicants appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated April 9, 2004 finally rejecting Claims 1-14, 17, 20, 23, and 24.

It is noted that Supervisory Patent Examiner Kimberly A. Williams informed the undersigned attorney on July 30, 2004 that Primary Examiner Scott Rogers had assumed responsibility for the above application due to the previous Examiner's (Melanie M. Vida) termination of employment with the U.S. Patent and Trademark Office.

In view of the lack of receipt of a Notice of Allowance or Advisory Action in the present application, the undersigned attorney had telephone conferences with Primary Examiner Scott Rogers on August 4, 2004 and September 8, 2004.

During the September 8, 2004 telephone conference, the undersigned attorney expressed concern that the six-month statutory period for overcoming the final rejection of April 9, 2004 was approaching and stated that to assure that there can be no contention that the application is abandoned, a Notice of Allowance must be received by that date or the applicant must suffer the cost

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of filing an unnecessary Notice of Appeal or Request for Continued Examination. Primary Examiner Scott Rogers stated that the Notice of Allowance had been entered and counted on September 7, 2004 and forwarded on the same day for mailing by the U.S. Patent and Trademark Office. On September 8, 2004, the undersigned attorney confirmed with the Receptionist of Patent Technology Center 2600 that a Notice of Allowance had been counted in the above application on September 7, 2004 and that such Notice of Allowance was awaiting mailing by the U.S. Patent and Trademark Office.

Applicants detrimentally relied on the Primary Examiner's assurance that the Notice of Allowance had been counted and would be mailed within the six-month statutory period for response. The undersigned attorney, however, today had a telephone conference with the Customer Service Representative for Patent Technology Center 2600 who confirmed that the Notice of Allowance in the above application had been counted on September 7, 2004 but could not confirm whether the Notice of Allowance had been mailed. The undersigned attorney further attempted to contact Primary Examiner Scott Rogers, Supervisory Patent Examiner Kimberly A. Williams, and Stacey S. Kemper of Technology Center 2600 but could not reach them to confirm that the Notice of Allowance was mailed. The undersigned attorney attempted to confirm the mailing of the Notice of Allowance on the U.S. Patent and Trademark Office Patent Application Information Retrieval (PAIR) site. However, due to confirmed system failures on the Patent Office's end with the U.S.P.T.O. PAIR site, the mailing of the Notice of Allowance could not be confirmed.

Thus, in the event that a Notice of Allowance in the present application is not mailed by October 12, 2004, Applicants appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated April 9, 2004 finally rejecting Claims 1-14, 17, 20, 23, and 24.

The fees for this Extension of Time and Notice of Appeal total \$1,320.00.

In the event that such fees are necessary to maintain the pendency of the above application, the Commissioner is hereby authorized to charge those fees and any other fees which may be required, or credit any overpayment, to Deposit Account No. 50-0481. **However, in the event that the Notice of Allowance is mailed, Applicants respectfully request that such fees not be charged.**


It is noted that this Conditional Petition for Extension of Time and Notice of Appeal are

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timely filed since the due date of October 9, 2004 fell on a weekend and the U.S. Patent Office was closed on Monday, October 11, 2004 in observance of a federal holiday.

Respectfully Submitted,

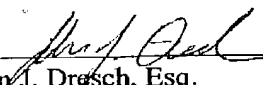
Date: October 12, 2004


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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Conditional Petition for Extension of Time and Notice of Appeal to Examiner Scott Rogers, Group Art Unit 2626, on October 12, 2004.


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